IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1278 OF 2004
IN
APPEAL FROM ORDER NO. 931 OF 2004

M/s.Khushiram Taracnahdn P.Ltd. .... Applicants.
Versus.
Board of Trustees of Port of
Mumbai and another. .... Respondents.

Shri G.K.Bharat i/by M/s. Bharat & Co. for the Applicants.

Shri U.J.Makhija i/by M/s.Mulla & Mulla C.B.C. for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 17th January, 2005.

P.C.:

1. Rule. Respondents waive service.

2. By the impugned order, Notice of Motion taken out by the Plaintiffs/Appellants has been rejected. The prayer in this Application is for temporary mandatory injunction. Such a prayer obviously cannot be granted during the pendency of the Appeal as grant of such a relief may amount to allowing the Appeal without hearing it finally. Hence no interim relief can be granted.

Civil Application is, therefore, rejected.

Judge.